

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AVON GUZMAN,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 10-7139
	:	
MARY SABOL, <u>et al.</u> ,	:	
Respondents.	:	
	:	

ORDER

AND NOW, this 16th day of May, 2011, upon consideration of the petition for writ of habeas corpus, Respondents' response thereto, the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated April 21, 2011, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;¹
2. The petition for writ of habeas corpus is **DISMISSED**;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

MITCHELL S. GOLDBERG, J.

¹ We note that the Report and Recommendation accurately reflects all critical dates necessary to support the time-barred conclusion. However, the 294 day calculation on page 5 is inaccurate in that between June 21, 2004, and June 9, 2005, 353 days had passed.